

VZCZCXRO5935  
RR RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR  
DE RUEHVB #0551/01 1561542  
ZNY CCCCC ZZH  
R 051542Z JUN 07  
FM AMEMBASSY ZAGREB  
TO RUEHC/SECSTATE WASHDC 7778  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 ZAGREB 000551

SIPDIS

SIPDIS

DEPARTMENT FOR EUR/RPM, EUR/SCE, S/WCI

E.O. 12958: DECL: 06/05/2017

TAGS: [PREL](#) [OSCE](#) [KAWC](#) [HR](#)

SUBJECT: CROATIAN PM SEEKS CLOSURE OF ZAGREB OSCE MISSION,  
OFFERS PLAN TO MONITOR WAR CRIMES TRIALS

REF: ZAGREB 472

Classified By: DCM Greg Delawie for reasons 1.4 (b) and (d).

¶1. (C) MFA State Secretary Hidajet Biscevic gave Ambassador May 31 a "confidential" non-paper (text para 8) advocating closure of the Croatia OSCE mission and proposing a mechanism to ensure that war crimes trials are monitored.

¶2. (C) The non-paper commits the GOC to fulfill remaining obligations regarding refugee return (ref), but its focus is the proposal to close the existing OSCE Mission, presumably this year, and to set up an "Office of the Personal Representative of the Chairman in Office" for monitoring war-crimes trials. The office would consist of 5 - 7 staff which could be based at OSCE HQ in Vienna or perhaps Croatia. It would not only monitor ICTY 11bis war crimes trials (currently there is only one, Ademi-Norac), but would also monitor domestic trials initiated by Croatian prosecutors.

¶3. (C) Biscevic said he had run this idea by the ICTY prosecutor's office in the Hague, and said Carla del Ponte was "enthusiastic". He had also discussed it with OSCE HOM Fuentes, who noted that Spanish FM (and OSCE CiO) Moratinos would be "very firm" in support of the proposal.

¶4. (C) Biscevic said the GOC would look to the OSCE Ministerial Council to endorse the Croatian proposal and welcome the war crimes monitoring idea.

¶5. (C) PM Ivo Sanader followed up with the Ambassador June 1 at a meeting also attended by Biscevic and the DCM. Sanader said he had floated the idea with German Chancellor Angela Merkel and EU Commission President Jose Manuel Barroso when they were in Zagreb for the SEECP Summit. Both were favorable, he noted, pointedly contrasting Barroso's position to the negative view of European Commission Zagreb head of mission Vincent Degert. Sanader said his main goal was to close the OSCE Mission; some other vestige of the OSCE could remain to monitor war crimes cases, but it would have to have a different form and name from the existing Mission.

¶6. (C) Comment: In our view, a proposal like this could satisfy many of the European objections to closing the OSCE Mission here, in that it would provided a reasonable method for ensuring that war crimes trials, including domestic cases, would be subject to international monitoring. It would probably make more practical and financial sense to base most of the trial monitors in Croatia, as well as to find some mechanism to continue to employ the capable and experienced current members of the OSCE's Rule of Law unit for this purpose (all are Croatian nationals except the unit chief) perhaps reporting to one international supervisor based in Vienna or Warsaw (ODIHR). The GOC may have unrealistic views on how to get its proposal endorsed by the OSCE.

17. (C) We will consult with USOSCE with a view to providing recommendations on a strategy on achieving OSCE Mission closure while ensuring a residual war-crimes monitoring function.

18. (C) Text of Croatian non-paper:

OSCE MISSION  
Position paper

--1. Croatia holds that the OSCE Mission to Croatia is successfully nearing completion.

--2. Croatia holds that 11 years of cooperation between the Government of Croatia and the OSCE has led to a successful fulfillment of the mandate of the Mission, to the benefit of the institutions and society of Croatia as an example of positive role and effects of the OSCE endeavours at large

--3. Croatia holds that the prospects of the OSCE Mission to Croatia need to be viewed within the context of the overall attained international position of Croatia in the recent period

--4. The prospects mentioned should particularly be reviewed in light of the accession negotiations with EU membership and the soon to be extended invitation to join NATO

--5. The prospects mentioned should particularly be reviewed within the context of the expected strong positive contribution of Croatia, as the most empowered and stable democracy, to the efforts of the EU and NATO for a permanent stabilisation of this part of Europe

ZAGREB 00000551 002 OF 002

--6. Croatia believes that EU and NATO Member States, in their individual evaluations of the prospects of the OSCE Mission to Croatia, need to start from such a joint platform and policy of the EU and NATO themselves

--7. Croatian Government offers full and verifiable guarantees for its fulfillment of the remaining obligations concerning the return of refugees (settling the issue of the former holders of tenancy rights in accordance with the decisions of the Government as presented and agreed in the "Platform")

--8. Croatia holds that the decision of the ICTY to transfer cases to Croatian judiciary, as well as the proceedings conducted so far, fully confirm the trustworthiness of the Croatian justice system

--9. Croatia holds that the question of monitoring all war crime trials can be settled by a decision of the OSCE Council that, following the closure of the OSCE Mission to Croatia, the following should be in charge of the fulfillment of this commitment of Croatia towards the OSCE:

Personal Representative of the Chairmanship-in-Office for monitoring war crime-trials

As foreseen in the exchange of letters between the ICTY Prosecutor and the Slovenian Chairmanship in the first half of the year 2005, the Chairman in Office will appoint his Personal Representative whose mandate could be defined as follows:

"To help Croatian judiciary and to monitor the war crime trials in all the Tribunals where these trials are taking place. The PR will have at his disposal a team composed of 5 - 7 legal experts. Their task will be to follow the cases transferred to Croatia pursuant to Rule 11 bis of the ICTY's Rules of Procedure and Evidence and to report on to the OSCE and to the Prosecutors Office.

They are also authorized to monitor and to report to the OSCE on all other war crime proceedings initiated by Croatian authorities.

The PR and his team will have their Office in (or: will obtain the logistic support by) the OSCE HQ in Vienna. They will visit and work in Croatia given the timeline of the trial's proceedings.

End text of non-paper.  
BRADTKE